Case 10-60209 Doc 10 Filed 03/01/10 Entered 03/01/10 17:11:23 Desc Main Document Page 1 of 7

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

m	re:	CHAPTER 13 PLAN - MODIFIED
	Amadee Andria, Jr. Cecilia Ann Andria	Dated: February 19, 2010
	DEBTOR In a joint case, debtor means debtors in this plan.	Case No. 10-60209
1.	DEBTOR'S PAYMENTS TO THE TRUSTEE —	
		250.00 per Month for 48 months, beginning within 30 days after the plan payment length is X 36 or 60 months from the date of the initial plan e.
2.	PAYMENTS BY TRUSTEE — The trustee will pay from avamay collect a fee of up to 10% of plan payments, or \$_1,200.0	ilable funds only creditors for which proof of claim have been filed. The trustee ${\bf 0}$, [line 1(d) x .10].
3.	payments to creditors holding allowed claims secured by person	The trustee will promptly pay from available funds adequate protection all property, according to the following schedule, beginning in month one (1).
	Creditor Monthly Po	Ayment Number of Months Total Payments \$ 0.00
	a. TOTAL	\$ 0.00
	leases. Cure provisions, if any, are set forth in ¶ 7.	[§ 365] — The debtor assumes the following executory contracts or unexpired
5.	Creditor -NONE- CLAIMS NOT IN DEFAULT — Payments on the following	claims are current and the debtor will pay the payments that come due after the
5.	Creditor -NONE-	claims are current and the debtor will pay the payments that come due after the
	Creditor -NONE- CLAIMS NOT IN DEFAULT — Payments on the following date the petition was filed directly to the creditors. The creditor -NONE- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1 a security interest in real property that is the debtor's principal results.	claims are current and the debtor will pay the payments that come due after the s will retain liens, if any. Description of Property
	Creditor -NONE- CLAIMS NOT IN DEFAULT — Payments on the following date the petition was filed directly to the creditors. The creditor -NONE- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1 a security interest in real property that is the debtor's principal repetition was filed directly to the creditors. The creditors will retend to the creditors of the creditors will retend to the creditors.	claims are current and the debtor will pay the payments that come due after the swill retain liens, if any. **Description of Property** 322(e)] — The trustee will cure defaults on the following claims secured only by esidence. The debtor will pay the payments that come due after the date the ain liens. **All following entries are estimates.** The trustee will pay the actual to f **Monthly** Beginning in Number of **TOTAL Payment** Payment** PAYMENTS** 200 \$ 46.56
 5. 6. 7. 	CLAIMS NOT IN DEFAULT — Payments on the following date the petition was filed directly to the creditors. The creditor Creditor -NONE- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1 a security interest in real property that is the debtor's principal repetition was filed directly to the creditors. The creditors will retamounts of default. Amount Creditor a. Us Bank Home Mortgage § 2,235 b. TOTAL CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)	claims are current and the debtor will pay the payments that come due after the swill retain liens, if any. **Description of Property** 322(e)] — The trustee will cure defaults on the following claims secured only by esidence. The debtor will pay the payments that come due after the date the ain liens. **All following entries are estimates.** The trustee will pay the actual ** **Total Payment Month!** Payments PAYMENTS** **O0 \$ 46.56 1 48 \$ 2,234.88** **D1 — The trustee will cure defaults on the following claims as set forth below. te the petition was filed directly to the creditors. The creditors will retain liens, if
6.	CLAIMS NOT IN DEFAULT — Payments on the following date the petition was filed directly to the creditors. The creditor Creditor -NONE- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1 a security interest in real property that is the debtor's principal repetition was filed directly to the creditors. The creditors will retamounts of default. Amount Creditor a. Us Bank Home Mortgage § 2,235 b. TOTAL CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e) The debtor will pay for the payments that come due after the date.	Claims are current and the debtor will pay the payments that come due after the swill retain liens, if any. **Description of Property** **June 19

Case 10-60209 Doc 10 Filed 03/01/10 Entered 03/01/10 17:11:23 Desc Mair Document Page 2 of 7

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Cred	itor		Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #		(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
First Nati Ban a. Spri b. TOT	onal k Cold n	\$ <u></u>	3,677.00 \$	3,677.00	5.25	_1_	\$_	110.62	 36	\$_	3,982.18	\$_	0.00	\$_ \$_	3,982.18 3,982.18

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. *The amounts listed are estimates*. The trustee will pay the amounts actually allowed.

		Estimated	Monthly	Beginning in	Number of	TOTAL
	Creditor	Claim	Payment	Month #	Payments	PAYMENTS
a.	Attorney Fees	\$ 2,200.00	\$ 66.67	1	33 \$	2,200.00
b.	TOTAL	 	 _		\$	2,200.00

10. SEPARATE CLASSES OF UNSECURED CREDITORS — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

	Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month#	Number of Payments	TOTAL PAYMENTS
	-NONE-						\$
a.	TOTAL						\$ 0.00

- 11. TIMELY FILED UNSECURED CREDITORS The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 2,382.94 [line 1(d) minus lines 2, 6(b), 7(a), 8(a), 9(b) and 10(a)].
 - a. The debtor estimates that the total unsecured claims held by creditors listed in $\P \ 8$ are $\$ \ 0.00$.
 - b. The debtor estimates that the debtor's total unsecured claims (excluding those in $\P 8$ and $\P 10$) are $\P 46,326.57$.
 - c. Total estimated unsecured claims are \$_46,326.57 [line 11(a) + line 11(b)].
- 12. TARDILY-FILED UNSECURED CREDITORS All money paid by the debtor to the trustee under \P 1, but not distributed by the trustee under \P 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.
- 13. OTHER PROVISIONS —

Title in any secured property will vest in Debtor upon payment of the secured portion of the creditor's claim and Debtor's Discharge. Debtor shall receive a discharge upon completion of the scheduled plan payments or upon payment of 100% of timely filed unsecured claims, whichever occurs first. Trustee shall not pay any untimely filed general unsecured creditors (excluding taxing authorities). Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

A proof of claim may be filed by any entity that holds a claim against the debtor for taxes that become payable to a governmental unit while the case is pending and the trustee shall pay such claim as submitted as funds are available pursuant to 11 U.S.C. Statute 1305.

Case 10-60209 Doc 10 Filed 03/01/10 Entered 03/01/10 17:11:23 Desc Main Document Page 3 of 7

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$ 1,200.00
Home Mortgage Defaults [Line 6(b)]	\$ 2,234.88
Claims in Default [Line 7(a)]	\$ 0.00
Other Secured Claims [Line 8(b)]	\$ 3,982.18
Priority Claims [Line 9(b)]	\$ 2,200.00
Separate Classes [Line 10(a)]	\$ 0.00
Unsecured Creditors [Line 11]	\$ 2,382.94
TOTAL [must equal Line 1(d)]	\$ 12,000.00

 ${\it Insert Name, Address, Telephone \ and \ License \ Number \ of \ Debtor's \ Attorney:}$

William P. Kain 143005 Lund Kain Scott, PA 13 7th Ave. S St. Cloud, MN 56301 320-252-0330 143005

Signed /s/ Amadee Andria, Jr.

Amadee Andria, Jr.

DEBTOR

Signed /s/ Cecilia Ann Andria

Cecilia Ann Andria DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re:	Bkty. Case No: 10-60209
Amadee Andria, Jr.	
Cecilia Ann Andria,	
Debtors.	
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NOTICE OF CONFIRMATION HEARING

PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan is scheduled April 27, 2010 at 10:00 a.m., at the U.S. Bankruptcy Court, 205 PO Building, Courtroom 2, 118 South Mill Street, Fergus Falls, Minnesota 56537.

Dated this 1st day of March, 2010.

LUND KAIN & SCOTT

/e/ WILLIAM P. KAIN - #143005

Attorney for Debtor 13 South Seventh Avenue St. Cloud, Minnesota 56301 (320)252-0330

UNITED STATES BANKRUPTCY COURT District of Minnesota

Case No: 10-60209

In re: Amadee Andria, Jr. Cecilia Ann Andiia

Debtors

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the Notice of Confirmation Hearing and Modified Chapter 13 Plan were mailed to all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail on March 1, 2010.

Date: March 1, 2010

/e/ WILLIAM P. KAIN - #143005

EXHIBIT

ALLIANCE ONE 1160 CENTRE POINTE DR STE 1 MENDOTA HEIGHTS MN 55120

AMERICAN ACCOUNTS & ADVISERS 7460 80TH STREET S COTTAGE GROVE MN 55016

ASSET ACCEPTANCE LLC PO BOX 2036 WARREN MI 48090-2036

BANK OF AMERICA PO BOX 1598 NORFOLK VA 23501

FIRST NATIONAL BANK COLD SPRIN PO BOX 416 301 MAIN ST COLD SPRING MN 56320

HSBC RETAIL SERVICES PO BOX 5244 CAROL STREAM IL 60197

US BANK
ATTN BANKRUPTCY DEPT
PO BOX 5229
CINCINNATI OH 45201

US BANK HOME MORTGAGE 4801 FREDERICA ST OWENSBORO KY 42301

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re:	Amadee Andria, Jr. Cecilia Ann Andria Debtor(s).		SIGNATURE DECLARATION Case No. 10-60209
CHA SCH SCH AM MO OTI	ations under penalty of perjury:	MPANYING V ES & STATEM orized represe	ntative of the debtor, make the following
•	commencement of the above-referenced [individual debtors only] If no Social Pages" submitted as a part of the electrobecause I do not have a Social Security I consent to my attorney electronically petition, statements and schedules, among together with a scanned image of this Statements.	or Information I case is true a Security Number; filing with the Endments, and Signature Deck	Pages" submitted as a part of the electronic and correct; ber is included in the "Debtor Information ement of the above-referenced case, it is United States Bankruptcy Court my for chapter 13 plan, as indicated above,
Date	Signature of Debtor or Authorized Representa	X tive	Signature of Joint Debtor
	Amadee Andria, Jr. Printed Name of Debtor or Authorized Repres	entative	Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)